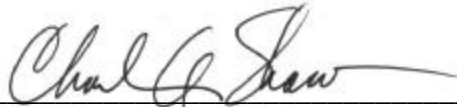


Plaintiff's motion does not include a separate or concise statement of material facts as described under the Local Rules, nor does it have a supportive memorandum containing citations to relevant case law. Rather, plaintiff's filing it is made up of a five-page recitation of the same allegations contained in his amended complaint, with an attachment containing more than one-hundred pages of "exhibits." Plaintiff's titling of the five-page document as "facts relevant to this motion" does not suffice as compliance with the Local Rules. As a result of plaintiff's failure to comply with the Local Rules of this Court, his motion for summary judgment will be denied without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for summary judgment is **DENIED** without prejudice. [Doc. 57]

IT IS FURTHER ORDERED that plaintiff's motion for leave to file a sur-response is **DENIED AS MOOT**. [Doc. 72]

A handwritten signature in cursive script, reading "Charles A. Shaw", written in black ink.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 18th day of February, 2009.